

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/5/2020

MALIK STEWART, a/k/a, DANIEL JONES,

Plaintiff,

-against-

CITY OF NEW YORK, Individually and in their capacities as  
New York City Police Officers, LORRAINE RAMOS,  
DAVID CALLAN, JULIO TAVAREZ, and JOHN or JANE  
DOE 1-10

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT OF  
ATTORNEY'S FEES,  
EXPENSES, AND COSTS**

19 Civ. 5499 (AJN)

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**WHEREAS**, plaintiff Malik Stewart commenced this action by filing a complaint on or about June 12, 2019, alleging that defendants City of New York, Police Officer Lorraine Ramos, Police Officer David Callan, and Sergeant Julio Tavarez violated his federal civil law rights; and

**WHEREAS**, defendant City of New York served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on February 27, 2020; and

**WHEREAS**, plaintiff accepted defendant's Rule 68 Offer of Judgment on March 11, 2020; and

**WHEREAS**, all defendants deny any and all liability arising out of plaintiff's allegations; and

**WHEREAS**, plaintiff's counsel represents that plaintiff has assigned all of his rights to attorneys' fees, expenses, and costs to his counsel, Sim & DePaola LLP; and

**WHEREAS**, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

1. Defendant City of New York hereby agrees to pay plaintiff's counsel, Sim & DePaola LLP, the total sum of Thirty Thousand (\$30,000.00) Dollars in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of Thirty Thousand (\$30,000.00) Dollars, counsel for plaintiff agrees to release and discharge defendants City of New York, Police Officer Lorraine Ramos, Police Officer David Callan, Sergeant Julio Tavaréz; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsel for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

SIM & DePAOLA, LLP  
*Attorneys for Plaintiff*  
4240 Bell Blvd.  
Suite 201  
Bayside, NY 11361

By:



Samuel DePaola  
*Attorney for Plaintiff*

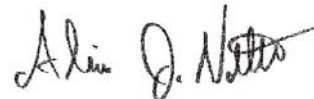
JAMES E. JOHNSON  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City of New York,  
Police Officer Lorraine Ramos, Police  
Officer David Callan, and Sergeant Julio  
Tavarez*  
100 Church Street, 3<sup>rd</sup> Floor  
New York, New York 10007

By:

/s/ Christopher G. Arko

Christopher Arko  
*Senior Counsel*

SO ORDERED:



HON. ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE

Dated: New York, New York

6/4/2020, 2020